Royal Canadian Mounted Police
External Review Committee

Comité externe d'examen
de la Gendarmerie royale du Canada

Access to Information Act

RCMP External Review Committee
Annual Report
2008-09

INTRODUCTION

The *Access to Information Act* gives the public a broad right of access to information contained in federal government records, subject to certain limited and specific exceptions.

Section 72 of the *Access to Information Act* requires that the head of every government institution submit an annual report to Parliament on the administration of the *Act* during the financial year. This report describes how the RCMP External Review Committee administered the *Access to Information Act* throughout fiscal year 2008-09.

ABOUT THE RCMP EXTERNAL REVIEW COMMITTEE

The Royal Canadian Mounted Police External Review Committee (ERC) was created by Part II of the *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10, as amended, as an independent and impartial body to review appeals of formal discipline, appeals of discharge or demotion, and certain types of grievances involving regular and civilian members of the RCMP. The ERC independently reviews cases referred to it and submits recommendations to the Commissioner of the RCMP.

ATI RESPONSIBILITIES

Because of the small size of the ERC (less than 10 FTE's) and of the small number of requests, all access to information-related functions are performed by the Executive Director and the Manager, Administrative Services. The ERC processes requests as follows:

- the requested information is identified and localized;
- the requests are examined to see if they should be transferred to another government institution with a 'greater interest';
- possible exemptions are considered;
- a copy of the non-exempt information is prepared and forwarded to the requester with a transmittal letter; and,
- the requests and all related documentation are filed in the ERC's ATIP registry.

The ERC relies on existing Treasury Board guidelines.

DELEGATION ORDER

The Minister of Public Safety, pursuant to section 73 of the *Access to Information Act*, designates the Chair, the Vice-Chair and the Executive Director and Senior Counsel of the ERC to exercise the powers and perform the duties of the Minister as the head of a government institution, that is, the Royal Canadian Mounted Police External Review Committee, under the sections of the *Act*. Responsibilities associated with the administration of the *Access to*

Information Act include notifying applicants of extensions and transferring requests to other institutions (see Annex A, Delegation Order).

ACCESS TO INFORMATION ACT REQUESTS RECEIVED

Throughout fiscal year 2008-09, the ERC received a total of 12 requests under the *Access to Information Act*. The disposition of these requests is as follows:

All disclosed	2
Disclosed in part	0
Excluded	0
Exempt	0
Transferred	7
Unable to process	3
Abandoned	0
Treated informally	0
Total	12

Annex B provides a summarized statistical report on *Access to Information Act* requests processed by the ERC between April 1, 2008 and March 31, 2009.

DISPOSITION OF REQUESTS

The ERC transferred seven requests to the Royal Canadian Mounted Police Access to Information Coordinator because the ERC did not possess the requested information. The applicants were advised accordingly.

The three requests which the ERC was unable to process included requests for records that were not under the control of the ERC. The applicants were advised accordingly.

SOURCE OF REQUESTS

Nine requests received during the period were from the public, two were from the business sector, and one originated from an organization.

CONSULTATIONS FROM OTHER INSTITUTIONS

During the reporting period, the ERC received four consultations in response to formal requests received by other federal institutions.

INFORMAL PROCESSES

Whenever possible, information is provided informally to the public by ERC employees. For example staff responds to phone calls about the ERC's procedures. Additionally, the ERC's website serves as a valuable source of information, where annual reports, financial reports,

contracts over $10,000, position reclassifications, and expenses of senior officials are routinely updated. Given the sensitivity of much of the information held at the ERC, there are few opportunities to disclose other types of information informally.

TRAINING ACTIVITIES

As the ERC receives a very small number of ATIP requests and the majority are referrals outside the agency to larger agencies, no formal ATIP training has been provided in this reporting period. However, some legal staff at the ERC have received legal training in ATIP matters. The requests that are challenging require legal analysis.

All information about the ATIP program is routinely circulated to all staff of the ERC. Also, the ERC regularly disseminates information through its quarterly newsletter *Communiqué*, its annual report and communications activities concerning its operations.

COMPLAINTS/INVESTIGATIONS

The ERC did not receive any complaints and was not investigated during the reporting period.

APPLICATIONS/APPEALS TO THE FEDERAL COURTS

There were no applications/appeals to the Courts for fiscal year 2008-09.

PUBLIC READING ROOM

The *Access to Information Act* requires that institutions maintain a reading room where the public can review records that have been disclosed by the ERC over the past three years. Records are available for review at no charge. Photocopying costs are applied at $0.20 per page.

The ERC's public reading room is located at the Public Safety Canada library on the 10th floor of the Sir Wilfrid Laurier Building, 340 Laurier Avenue West, Ottawa and is open from 10:00 a.m. to 3:00 p.m., Monday to Friday. Individuals who wish to review records must schedule an appointment with the ERC.

Access to Information Act Delegation Order

Arrêté sur la délégation en vertu de la *Loi sur l'accès à l'information*

The Minister of Public Safety and Emergency Preparedness Canada, pursuant to section 73 of the *Access to Information Act*,* hereby designates the persons holding the positions set out in the schedule hereto to exercise the powers and perform the duties and functions of the Minister as the head of a government institution, that is, the RCMP External Review Committee, under the sections of the *Act* set out in the schedule opposite each position.

En vertu de l'article 73 de la *Loi sur l'accès à l'information**, le Ministre de la Sécurité publique et Protection civile Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, les attributions dont il est, en qualité de responsable d'une institution fédérale, c'est-à-dire, le Comité externe d'examen de la Gendarmerie royale du Canada, investi par les articles de la *Loi* mentionnés en regard de chaque poste.

Schedule

Annexe

Position Poste	Sections of the *Access to Information Act* Articles de la *Loi sur l'accès à l'information*
Chairman Président	7, 8(1), 9, 10, 11(2) to/à (6) incl., 12(2), 13 to/à 24 incl., 25, 26, 27, 28(1), (4), (5), (6), (8), 29(1), 33, 37(4), 43(1), 44(2), 52(2), 52(3), 71, Reg./Règ. 6(1), 8
Vice-Chairman Vice-président	7, 8(1), 9, 10, 11(2) to/à (6) incl., 12(2), 13 to/à 24 incl., 25, 26, 27, 28(1), (4), (5), (6), (8), 29(1), 33, 37(4), 43(1), 44(2), 52(2), 52(3), 71, Reg./Règ. 6(1), 8

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Annexe

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Executive Director and Senior Counsel Directeur exécutif et Avocat principal	7, 8(1), 9, 10, 11(2) to/à (6) incl., 12(2), 25, 28(1), (4), (6), (8), 29(1), 33, 37(4), 43(1), 44(2), 52(2), 52(3), 71, Reg./Règ. 6(1), 8

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Dated at the City of Ottawa this 24 th day of April, 2006.

Daté en la ville d'Ottawa ce ____ ième jour de _____, 2006.

Stockwell Day, P.C., MP
Public Safety and Emergency Preparedness Canada

Stockwell Day, C.P., député
Sécurité publique et Protection civile Canada

*R.S.C., 1985, c. A-1

*L.R.C. (1985), ch. A-1

ANNEX B

Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATON

Institution				Reporting period / Période visée par le rapport
RCMP External Review Committee / Comité externe d'examen de la GRC				2008-2009
Source	Media / Médias	Academia / Secteur universitaire	Business / Secteur commercial	Organization / Organisme	Public
	0	0	2	1	9

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	12
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	12
Completed during reporting period / Traitées pendant la période visées par le rapport	12
Carried forward / Reportées	0

II Dispositon of requests completed / Disposition à l'égard des demandes traitées

1.	All disclosed / Communication totale	2	6.	Unable to process / Traitement impossible	3
2.	Disclosed in part / Communication partielle	0	7.	Abandoned by applicant / Abandon de la demande	0
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8.	Treated informally / Traitement non officiel	0
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	0		TOTAL	12
5.	Transferred / Transmission	7			

III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(a)	0	S. Art 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	0
(b)	0	(b)	0	(c)	0	(b)	0
(c)	0	(c)	0	(d)	0	(c)	0
(d)	0	(d)	0	S. Art. 19(1)	0	(d)	0
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	0	S. Art.22	0
S. 15(1) Art. International rel. / Relations interm.	0	S. Art. 16(3)	0	(b)	0	S. Art 23	0
Defence / Défense	0	S. Art. 17	0	(c)	0	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	0	S. Art 26	0

IV Exclusions cited / Exclusions citées

S. Art. 68(a)	0	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(a)	0	(f)	0
(b)	0	(g)	0

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	12
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	0	0
Consultation	0	0
Third party / Tiers	0	0
TOTAL	0	0

VII Translations / Traduction

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	2
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	$5.00	Preparation / Préparation	0
Reproduction	0	Computer processing / Traitement informatique	0
Searching / Recherche	0	TOTAL	$5.00

Fees waived / Dispense de frais	No. of times / Nombre de fois	$
$25.00 or under / 25 $ ou moins	0	$ 0
Over $25.00 / De plus de 25 $	0	$ 0

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)		
Salary / Traitement	$	2000
Administration (O and M) / Administration (fonctionnement et maintien)	$	100
TOTAL	$	2100

Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	.05

Supplemental Reporting Requirements for 2008-2009

Access to Information Act

In addition to the reporting requirements addressed in form TBS/SCT 350-62 "Report on the *Access to Information Act*", institutions are required to report on the following using this form:

Part III – Exemptions invoked

Section 13

Subsection 13(e) ___0___

Section 14

Subsections 14(a) ___0___
Subsections 14(b) ___0___

Part IV – Exclusions cited:

Subsection 69.1 (1) ___0___

Exigences en matière de rapports supplémentaires pour 2008-2009

Loi sur l'accès à l'information

En plus des exigences relatives à l'établissement de rapports dont on traite dans le formulaire TBS/SCT 350-62, « *Rapport concernant la Loi sur l'accès à l'information* », les institutions sont tenues de déclarer ce qui suit en utilisant le présent formulaire :

Partie III – Exceptions invoquées

Article 13

Paragraphe 13(e) _____0_____

Article 14

Paragraphes 14(a) _____0_____
Paragraphes 14(b) _____0_____

Partie IV – Exclusions citées

Paragraphe 69.1 (1) _____0_____

Discrepancies

nil

Divergences

néant